IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
First Bail Application No. 434/2006

Birendra Singh Mehra S/o Late R.S. Mehra,
Senior Manager (under suspension),
Union Bank of India,
R/o Mukul Vihar, talli Bamori, Haldwani
District Nainital
Through Perokar : K.S. Bora ……Applicant

Versus

State of Uttaranchal
Through C.B.I. ……Respondent

Arising out of case FIR No. RC0072005A0001
U/Ss 420, 467, 468, 471, 120 – B I.P.C. , Sections 13 (2) (& 13 (1) (d)
Of Prevention of Corruption Act, 1988.
P.S. CBI, SPE, Dehradun.
District Dehradun.

Hon'ble B.C. Kandpal, J.

The applicant has applied for bail in case FIR No. RC0072005A0001 U/Ss 420, 467, 468, 471, 120 – B I.P.C. , Sections 13 (2) & 13 (1) (d) of Prevention of Corruption Act, 1988, P.S. CBI, SPE, Dehradun. District Dehradun.

Heard Sri Vikram Dutt, learned counsel for the applicant, learned A.G.A. and pursued the record.

The record reveals that Sri B.S. Mehra, the appalicant who was the then Branch Manager of Union Bank of India, Rudrapur Branch entered into criminal conspirary with Sri Rachit Malhotra, proprietor of M/S International Intrade India (M/S I.I.I.), Sri Shyam MohanMalhotra and Sri Kapil Kohli, proprietor of M/s KOIPL and cheated the Union Bank of India to the tune of Rs. 63,05,307/- by falsely representing that M/s I.I.I. was having sufficient balance in its account and for the purpose of cheating also forged documents and used such documents as genuine.

It is evident from the record that on 5.5.2004 the then Chief Manager, Union Bank of India, Main Branch, Dehradun before according permission of payment to M/S I.I.I. , telephonically contacted the applicant at U.B.I. Rudrapur and asked him to send the

authority cheque, i.e. inter branch advice by debiting party's account immediately through fax. The applicant informed the Chief Manager confirming the availability of the sufficient funds in the account of the party and sent the fax with the request to make the payment of bills. On receipt of this confirmation that there is sufficient balance in the account of the party, the amount was debited to the firm. Therefore, it reveals at this stage that the applicant entered into criminal conspiracy with the proprietor of the firm and cheated the Union Bank of India to the tune of Rs. 63,05,307/- by making false representation.

I do not find any merit in this bail application. The bail application is accordingly rejected.

(B.C. Kandpal, J.)

Dated: 04-08-2006
ISB